



7 FEB 2006

35876  
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In re Application of  
ALESSI, Dario *et al*  
U.S. Application No.: 10/517,225  
PCT No.: PCT/GB03/02509  
Int. Filing Date: 09 June 2003  
Priority Date: 08 June 2002  
Attorney's Docket No.: 002.00250  
For: METHODS

**DECISION ON  
PETITION  
UNDER 37 CFR 1.182**

This decision is in response to applicants' "Petition Under 37 CFR 1.182" ("Pet.") filed via facsimile on 29 December 2005.

**BACKGROUND**

On 08 December 2004, applicants filed for entry into the national stage in the United States under 35 U.S.C. 371. Applicants listed the international application number as PCT/US03/02509 on the transmittal letter (Form PTO-1390). The customer number was recorded as 35876.

On 04 April 2005, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that a declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee must be provided.

On 09 June 2005, applicants filed a "Response to Notification of Missing Requirements" which was accompanied by, *inter alia*, a declaration executed by four joint inventors. The declaration listed the international application as PCT/GB03/02509. The customer number was recorded on the declaration as 35878.

On 29 June 2005, the DO/EO/US mailed a Notification of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) to customer number 35878. The Form PCT/DO/EO/903 indicated that the 35 U.S.C. 371 requirements were satisfied for the national stage of PCT/US03/02509 on 09 June 2005.

On 29 December 2005, applicants filed the subject petition to correct the international application number along with a change of correspondence address listing the customer number as 35876.

### DISCUSSION

The declaration submitted on 09 June 2005 was not a declaration for PCT/US03/02509. Accordingly, the Notification of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) and filing receipt mailed 29 June 2005 are VACATED.

Petitioners claim that on the transmittal letter filed upon entry of the national stage the international application number was "incorrectly identified." The transmittal letter (Form PTO-1390) filed 08 December 2004 indicated that the papers were for the national stage of PCT/US03/02509. Petitioners request that the above-captioned application be identified as the national stage of PCT/GB03/02509. The \$400.00 petition fee has been charged to Deposit Account No. 50-0772 as authorized.

A review of the national stage papers reveals that the inventor names and priority date claimed on the Form PTO-1390 filed 08 December 2004 correspond to PCT/GB03/02509, not PCT/US03/02509. Moreover, the Preliminary Amendment filed 08 December 2004 notes that the application is a national stage of PCT/GB03/02509. The International Search Report submitted also refers to PCT/GB03/02509.

Thus, it is clear that a typographical error was made on the transmittal letter. The correct international application number is PCT/GB03/02509.

### CONCLUSION

For the reasons listed above, applicants' petition under 37 CFR 1.182 is GRANTED.

The customer number is changed back to 35876.

This application is being forwarded to the DO/EO/US to process the above-captioned application as the national stage of PCTGB03/02509.



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